

City Council Introduction: **Monday**, December 12, 2005  
Public Hearing: **Monday**, December 19, 2005, at **1:30 p.m.**

Bill No. 05R-303

## **FACTSHEET**

**TITLE:** **USE PERMIT NO. 33D**, requested by Larry Albers on behalf of SENHOC Properties, LLC, to permit a sign within the O-3 Office Park District that does not identify the name of the office park, on property generally located at Haverford Drive and "L" Street.

**STAFF RECOMMENDATION:** Conditional Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 11/09/05  
Administrative Action: 11/09/05

**RECOMMENDATION:** Conditional approval (8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Strand and Sunderman voting 'yes'; Taylor absent).

### **FINDINGS OF FACT:**

1. The purpose of this amendment to the use permit is to allow a ground sign, with a waiver to allow the sign to identify the tenant of a building but not identify the name of the office park.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposal conforms to the Comprehensive Plan and Zoning Ordinance.
3. On November 9, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On November 9, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated October 28, 2005. The conditions of approval are found on p.4-5.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** December 5, 2005

**REVIEWED BY:** \_\_\_\_\_

**DATE:** December 5, 2005

**REFERENCE NUMBER:** FS\CC\2005\UP.33D

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 9, 2005 PLANNING COMMISSION MEETING

**P.A.S.:** Use Permit #33D

**PROPOSAL:** Permit a sign within the O-3 Office Park district that does not identify the name of the office park.

**LOCATION:** Haverford Drive and "L" Street

**WAIVER REQUEST:**

1. Waive requirement that a ground sign identify the name of the office park and tenants.

**LAND AREA:** 8.9 acres, more or less.

**CONCLUSION:** This proposal conforms to the Comprehensive Plan and Zoning Ordinance.

**RECOMMENDATION:**

1. Waive requirement that a ground sign identify the name of the office park and tenants.

**Approval**

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

Lots 3, 4, and 7, Executive Center 1<sup>st</sup> Addition, Lot 2, Executive Center 2nd Addition, Units 1 and 2, Gallup Condominium, located in the NE 1/4 of Section 28 T10N R7E, Lancaster County, Nebraska

**EXISTING ZONING:** O-3 Office Park

**EXISTING LAND USE:** Office buildings

**SURROUNDING LAND USE AND ZONING:**

North:	Commercial	B-1 Local Business
South:	Residential, offices, hospital	R-1 Residential, O-2 Suburban Office, P Public
East:	Offices, motel	O-3 Office Park, B-1 Local Business
West:	Residential	R-1 and R-4 Residential

**HISTORY:**

Feb 2004 Use Permit #33C approved the addition of two lots and the consolidation of adjacent use permits into one permit. Change of Zone #3433 changed the zoning on the two lots added to the use permit from R-4 to O-3.

Apr 1996	Administrative Amendment #96025 to Combined Use Permit/Special Permit #7 approved the relocation of a fence.
May 1995	Administrative Amendment #95026 to Combined Use Permit/Special Permit #7 approved a revised parking layout and phasing plan.
Feb 1995	Administrative Amendment #94098 to Combined Use Permit/Special Permit #7 approved changes to the conditions for the private school allowing up to 150 children and 19 staff members.
Dec 1994	Administrative Amendment #94097 to Combined Use Permit/Special Permit #7 approved a time extension for the Letter of Acceptance for Combined Use Permit/Special Permit #7.
Oct 1994	Combined Use Permit/Special Permit #7 approved 145,571 square feet of floor area for the existing two buildings and a additional 5-story building, a connecting walkway between buildings, and a new private school for up to 120 children and 18 staff members.
Jun 1992	Administrative Amendment #92040 to Use Permit #33 approved the temporary use of a tent within the parking lot.
Jan 1992	Use Permit #33B approved an additional 59,700 square feet of office floor area (total of 117,700) in an office building not to exceed 63' in height. This permit did not include the building approved by Use Permit #33, but did change the 8 buildings approved by Use Permit #34 into one 6-story building.
Jun 1986	Use Permit #33A approved an increase in the height of the office building from 45' to 50'.
Jul 1985	Use Permit #34 approved 37,904 square feet of floor area in 8 office buildings, located on the site of what was recently known as the Gallup/SRI daycare facility. This area was eventually incorporated into Use Permit #33B.
May 1985	Use Permit #33 approved 58,000 square feet of floor area in one office building.
Nov 1980	Use Permit #9 approved the first office building on this site, allowing up to 44,783 square feet of floor area and a height of 51'. This area was eventually incorporated into Use Permit #33B.
May 1979	The zoning update changed this area from A-1 Single Family Dwelling to R-1 residential and O-3 Office Park.

#### **ANALYSIS:**

1. This is a request to allow a ground sign within an O-3 use permit, with a waiver to allow the

sign to identify the tenant of a building but not identifying the name of the office park.

2. This building is located in the old Gallup campus, and was previously the on-site daycare. The building has been converted into an oncology office, and is located separately from the other buildings within the campus.
3. LMC §27.69.044 contains the sign regulations for the O-3 Office Park district, as well as authority for waiving those regulations. Specifically:

**(b)(2) One ground sign per vehicular entrance into the office park, not to exceed thirty-two square feet and eight feet in height, identifying the name of the office park and tenants(s) is permitted. The ground sign may be located in the required front yard with a minimum spacing of fifty feet from any other ground or pole sign. (Emphasis added)**

This language is interpreted to mean the sign shall identify the name of the office park. Applicant argues there is no common office park name used by the tenants of these buildings and this development no longer identifies itself as an office park.

**(e) The sign regulations in subsection (b), paragraphs (2), (3), and (4), and in subsection (d) may be modified by the City Council in connection with the granting of a use permit in conformance with all other requirements of Chapter 27.27.**

City Council is specifically authorized to waive the requirement that this sign identify the name of an office park.

4. Although this building and other nearby office buildings are interconnected through the parking area, this building has its own dedicated access to South 68<sup>th</sup> Street Place. This dedicated driveway is where the sign is proposed to be located, a location where a sign announcing an office park could be misleading.
5. Other types of signs are allowed in this district. Wall or projecting signs for any single tenant may not exceed 10% coverage of the wall face or 150 square feet. The plans do not state whether such signs will also be used.
6. The purpose of the O-3 Office Park District is to provide a “mixture of office and other types of compatible and complimentary commercial uses, and residential uses in suburban areas.” The district is also “intended to provide an appealing atmosphere, stressing the quality of the environment.” These purposes would continue to be satisfied if this waiver were granted.

## **CONDITIONS:**

### Site Specific:

1. After the Applicant completes the following instructions and submits five (5) copies of the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Add a note stating signage within the use permit shall conform to LMC §27.69, except where modified.
- 1.2 Revise the boundary to include Lots 1-4, and Lot 7, as identified on the plans, within the boundaries of this use permit. These lots were combined into one permit by Use Permit #33C. Lighter weight lines may be used to delineate phases.
2. This approval permits a ground sign on Lot 2 that identifies the tenant of a building and not the name of the office park. The size and location of the sign shall be conform to sign regulations.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised **final** plan including 7 copies and the plans are acceptable.
  - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans; however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Greg Czaplewski  
Planner

**Date:** October 28, 2005

**Applicant:** SENHOC Properties, LLC  
**Owner** Larry Albers  
**and** 201 South 68<sup>th</sup> Street Place, Suite 200  
**Contact:** Lincoln, NE 68510  
438.4421

## USE PERMIT NO. 33D

### CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

### BEFORE PLANNING COMMISSION:

November 9, 2005

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman and Strand;  
Taylor absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 05052; CHANGE OF ZONE NO. 05076HP; SPECIAL PERMIT NO. 05051; USE PERMIT NO. 33D; COUNTY FINAL PLAT NO. 05106, THE PRESERVE AT CROSS CREEK 2<sup>ND</sup> ADDITION; COUNTY FINAL PLAT NO. 05107, WENDELIN ESTATES; and STREET AND ALLEY VACATION NO. 05009.**

Ex Parte Communications: None.

Strand moved to approve the Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman and Strand voting 'yes'; Taylor absent.

Note: This is final action on Special Permit No. 05052, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



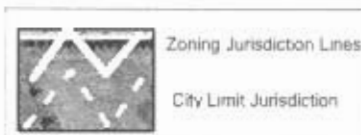
## Use Permit #33D S. 68th & O St.

2005 aerial

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 28 T10N R7E



S. 56th St.



S. 70th St.

A St.

008

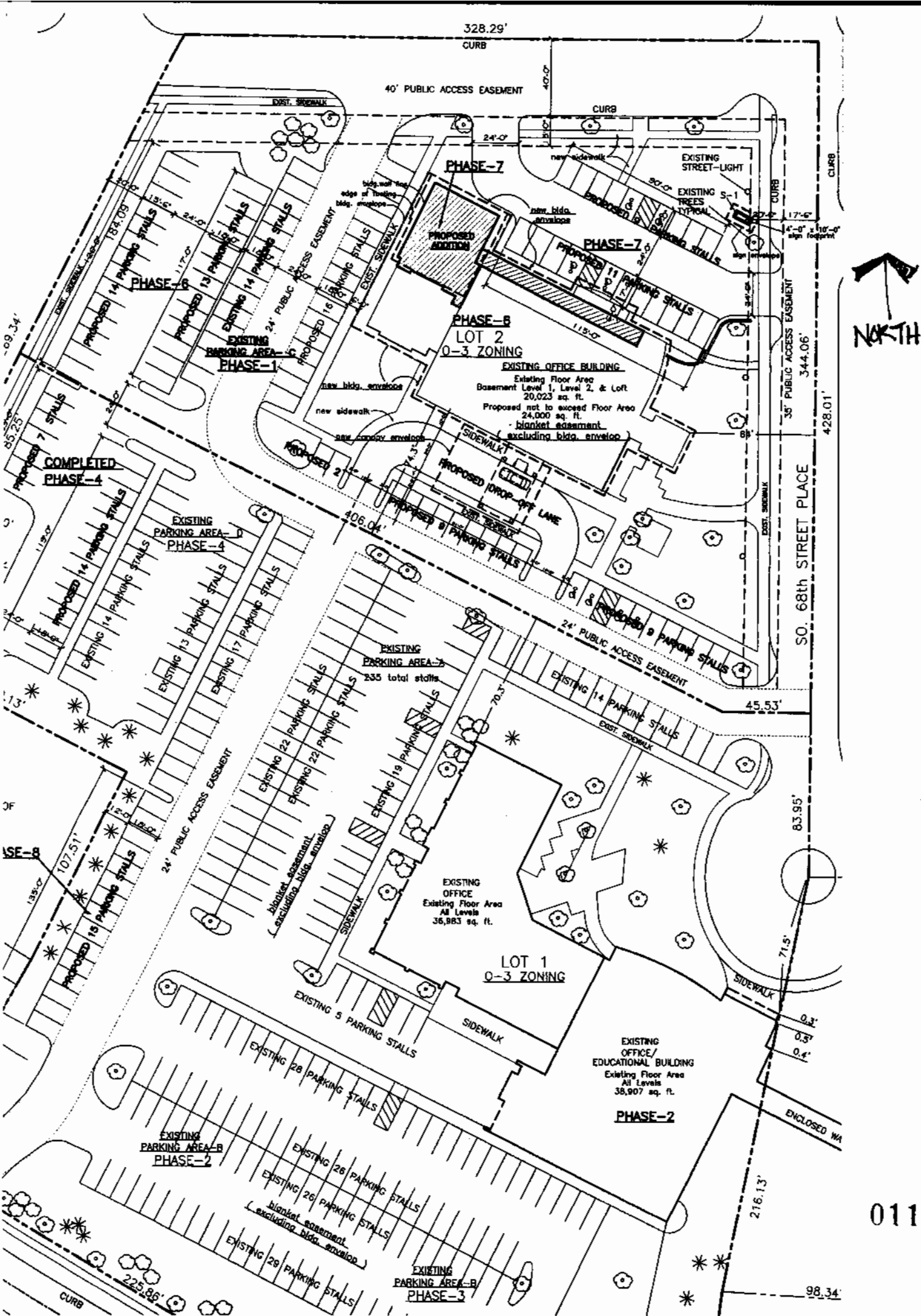


**ATTACHMENT "A"**  
**(CITY OF LINCOLN ZONING APPLICATION)**

A waiver is requested to allow the construction of a ground sign shown as S-1 on the Use Permit Drawings without the standard of Title 27.69.044(b)(2) requiring identity "of the name of the office park and tenant(s)."

**ATTACHMENT "B"**  
**(CITY OF LINCOLN ZONING APPLICATION)**

The purpose of this Application is to waive a provision of the City's Zoning Code requiring an entrance sign to identify the name of the office park and its tenant(s). This sign is for the Southeast Nebraska Cancer Center building only. The office park designation, Executive Center, has never been used in signage and if required on the sign, would only be confusing to patients.



# PHASING SCHEDULE

PHASE	BUILDING	SQUARE FOOTAGE	PARKING	REMARKS
PHASE-4	_____	_____	completed PHASE-4 21 total stalls	
PHASE-5	deleted			
PHASE-6	existing office bldg.	exist. 20,023	77 total stalls	
PHASE-7	existing office bldg. addition	3,977 sq. ft. 24,000 max. total	21 total stalls	
PHASE-8	_____	_____	15 total stalls	
PHASE-9	new office bldg.	basemt. = 600 sq. ft. first level = 3,000 sq. ft.	12 total stalls	see note #5

## Legal Description :

Lots 1&2, Executive Center 2nd Addition

Lots 3&4, Executive Center 1st Addition and

Lot 7, Executive Center 1st Addition

## GENERAL NOTES :

1. The landscaping will comply with the City of Lincoln Design Standards, and landscape plans for Phases #6,7,8, & 9 will be submitted for review with the building permits.
2. Phase-9 will be one-story construction with typical residential pitched roof, typical residential exterior materials, and windows oriented toward the streets.
- 3: Any relocation of existing facilities will be at the Owner/Developer's expense.
4. The lots have "blanket easements" for utilities, excluding building envelope.
5. The basement may be expanded to 1,000 total square feet of floor area upon furnishing to the Planning Department a parking agreement confirming location of (2) additional parking stalls.

## WAIVER :

S-1 ground sign does not have to adhere to standards of 27.69.044 (b)(2) requiring identity of the name of the office park and tenant(s).

2 EXISTING RESIDENCE INN DEVELOPMENT